

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1392

Introduced by Assembly Member Umberg

February 22, 2005

An act to amend Section 49548 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1392, as amended, Umberg. Summer school: free or reduced-price meal.

(1) Existing law requires a school district and a county superintendent of schools maintaining a kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday, except as specified.

Existing law requires the State Board of Education to grant a one-year waiver from that requirement during a summer school session if 2 of 4 enumerated conditions exist, including that the summer school session is less than 4 hours in duration and is completed by noon, that less than 10% of the needy pupils attending the summer school session are at the schoolsite for more than 3 hours per day, that a Summer Food Service Program for Children site is available within the attendance area of the school, and that compliance with the requirement would result in a financial loss in a specified amount relative to food service net cash resources, except as specified.

This bill would require a waiver to be granted if a Summer Food Service Program is available within a specified proximity to the schoolsite and as to specified hours of operation, or if compliance with the requirement would result in a financial loss equal to the operating

costs of one month, averaged over the school year. The bill would not permit a waiver of the requirement to provide a nutritionally adequate free or reduced-price meal for certain pupils enrolled in a summer school session. To the extent that these restrictions on granting a waiver from this requirement would impose additional duties on a school district, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49548 of the Education Code is
2 amended to read:
3 49548. (a) The State Board of Education, in order to effect
4 compliance with legislative findings expressed in Section 49547,
5 shall restrict the criteria for the issuance of waivers from the
6 requirements of Section 49550 to feed children during a summer
7 school session. A waiver shall be granted for a period not to
8 exceed one year ~~under~~ *if either of* the following conditions exist:
9 (1) (A) A summer school session serving pupils enrolled in
10 elementary or middle school, shall be granted a waiver if a
11 Summer Food Service Program for Children site is available
12 within one-half mile of the schoolsite and either of the following
13 conditions exist:
14 (i) The hours of operation of the Summer Food Service
15 Program for Children commences no later than one-half hour
16 after the completion of the summer school session day.
17 (ii) The hours of operation of the Summer Food Service
18 Program for Children concludes no earlier than one hour after the
19 completion of the summer school session day.
20 (B) A summer school session serving pupils enrolled in high
21 school, shall be granted a waiver if a Summer Food Service

1 Program for Children site is available within one mile of the
2 schoolsite and either of the following conditions exist:

3 (i) The hours of operation of the Summer Food Service
4 Program for Children site commences no later than one-half hour
5 after the completion of the summer school session day.

6 (ii) The hours of operation of the Summer Food Service
7 Program for Children site concludes no earlier than one hour
8 after the completion of the summer school session day.

9 (2) Serving meals during the summer school session would
10 result in a financial loss to the school district, documented by the
11 school district, in an amount equal to the operating costs of one
12 month as averaged over the school year.

13 (b) Additionally, schools shall be encouraged to “open” their
14 meal sites to all children to fulfill community needs under the
15 Summer Food Service Program for Children (7 C.F.R. 225.14(d)
16 (3)). The state board and the Superintendent shall provide
17 leadership to encourage and support schools and public agencies
18 to participate in the Summer Food Service Program for Children,
19 consistent with the intent of Section 49504.

20 (c) A waiver shall not be granted from meeting the
21 requirements of Section 49550 for a pupil attending summer
22 school session pursuant to subdivision (a) of Section 53029,
23 paragraph (1) of subdivision (a) of Section 53093, or Section
24 54444.3.

25 (d) An application for a waiver shall be submitted no later than
26 60 days prior to the last regular meeting of the state board before
27 the commencement of the summer school session for which the
28 waiver is sought.

29 SEC. 2. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.